

**AGRICULTURAL BIOMASS
TO ENERGY PROGRAM
(SB 704)**

**COMMISSION DRAFT
GUIDEBOOK**

JANUARY 2004
P500-03-102D2



Arnold Schwarzenegger, Governor

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These draft guidelines were prepared by the California Energy Commission's Renewables Committee pursuant to Senate Bill 704 (Florez, Statutes of 2003, Chapter 480). The views and recommendations contained in these guidelines reflect the preliminary position of the Renewables Committee, and are not the official policy of the California Energy Commission at this time.

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Introduction

The Renewables Committee (Committee) of the California Energy Commission (Energy Commission) proposes this draft version of the *Agricultural Biomass to Energy Program* (AgBio Program) *Guidebook* to implement the provisions of Senate Bill 704 (SB 704, Florez, Chapter 480, Statutes of 2003). It describes the eligibility requirements for receiving grant funding under the AgBio Program and provides information on the Energy Commission's administration of this program. Eligibility requirements are discussed in this *Guidebook*, along with information on the program's administration.

Purpose

The AgBio Program is designed to improve air quality in California's agricultural areas by reducing the open-field burning of agricultural fuels. Qualifying agricultural fuels are those that have traditionally been open-field burned. As a result of this program, these agricultural residues will be used instead in biomass-fueled power plants to generate electricity.

The AgBio Program is funded under SB 704, with the funds redirected from the Renewable Resources Trust Fund. Those funds are collected from the ratepayers of the three largest investor-owned utilities (IOU) in California to support existing, new, and emerging renewable electricity generation technologies. More information about the Renewable Energy Program can be found on the Energy Commission's website at:

[www.energy.ca.gov/renewables]

Overview

The AgBio Program provides grant funding in the form of financial incentives to eligible biomass facilities for each green ton of qualified agricultural biomass (QAB) purchased and converted into energy by the facility from July 1, 2003 through June 30, 2004. The financial incentive is fixed at \$10 per green ton. To qualify for the incentives, applicants must demonstrate that both the biomass facility and the agricultural biomass the facility purchases meet a number of statutory requirements as specified in this guidebook.

Applicants for eligible biomass facilities must register with the Energy Commission and agree to comply with program requirements in order to determine eligibility for funding. Applicants shall be notified of their eligibility status after Energy Commission staff has reviewed their registration forms. All

applicants seeking program incentives must apply for registration with the Energy Commission by submitting form CEC-SB704-1.

Applicants who are determined to be eligible for funding must submit invoices to document the eligibility and amount of QAB purchased in order to receive incentive payments. Energy Commission staff will review these invoices and make incentive payments based on the eligible QAB purchased, the \$10 per green ton incentive rate, and the availability of funding for the AgBio Program.

Program Funding

The AgBio Program is funded for one year and will pay for QAB purchases from July 1, 2003 through June 30, 2004, funds permitting. Consistent with the provisions of SB 704, a total of \$6 million is available and shall be paid on a \$10 per green ton basis until all funds are expended, or until June 30, 2004, whichever comes first. The Budget Act of 2003 (Statutes of 2003, Chapter 157, Section 2.00) directs the Energy Commission to allocate \$6 million from the Renewable Resources Trust Fund to fund the AgBio Program. The Energy Commission intends to reallocate \$6 million of unexpended Senate Bill 90 (SB 90, Sher, Chapter 905, Statutes of 1997) Existing Renewable Resources Account funds to accomplish this requirement. According to the Energy Commission's Investment Plan (*Investing in Renewable Electricity Generation in California*, June 2001, Publication P500-00-022), any unexpended SB 90 funds are to be rolled over to the corresponding program under the extension of the Renewable Energy Program.

Eligibility

In order to receive incentive payments from the AgBio Program, applicants for biomass facilities must submit registration forms and backup materials to demonstrate the facility meets the following eligibility requirements.

1. The facility must be located in California;
2. The facility, as of July 1, 2003, converted and continues to convert QAB to electrical energy;
3. The facility is permitted with best available control technology (BACT) to reduce emissions, as determined by the Air District in which the facility is located;
4. The facility's emissions control equipment is in good working order and in compliance with its operating permit, as determined by the Air District in which the facility is located;

5. Neither the facility nor the suppliers of QAB to the facility receive banked Emission Reduction Credits pursuant to Health and Safety Code section 40709 for any QAB for which the facility is requesting incentive payments; and
6. The facility increased its purchases of QAB by at least 10 percent as compared to the average annual tonnage purchased by the facility in the five years of operation prior to the implementation of the Agricultural Biomass-to-Energy Incentive Grant Program in July 2000.

Registration

In order to receive incentive payments from the AgBio Program, applicants must submit the registration form (CEC-SB704-1) along with all necessary backup materials for the Energy Commission to determine eligibility. The facility's identification number shall be the five digit CEC ID number issued to the facility by the Energy Commission's Existing Renewable Facilities Program (ERFP) preceded by "SB704-" (i.e. SB704-10000).

Applicants shall submit documentation specifying the amount of QAB purchased during five years of operation preceding the Agricultural Biomass-to-Energy Incentive Grant Program. Form CEC-SB704-1 should be used for this purpose. If an applicant is unable to break out QAB purchases from non-qualifying agricultural biomass purchases, they may submit total agricultural biomass purchases for use in establishing the five-year averages. Total agricultural biomass purchases will be acceptable for this purpose because QAB purchases are a subset of total agricultural biomass purchases, and are therefore less than or equal to total agricultural biomass purchases. The five years of data do not need to be for five consecutive years, but must be for the most recent five years of operation prior to the Agricultural Biomass-to-Energy Incentive Grant Program. At a minimum, the data submitted shall be on an annual basis and include an annual average over the five-year period. Applicants wanting to receive payments by March 31, 2004, for QAB purchases made between July 1, 2003 and December 31, 2003, should provide purchase data on both an annual average and a six-month average (July through December) for the five-year period. Applicants that fail to provide purchase data on a six-month average will be evaluated using the facility's annual average for purposes of making payments by March 31, 2004 (i.e. The facility's QAB purchases for July through December 2003, must exceed their twelve-month annual average by at least ten percent). An applicant must submit data in a manner that clearly demonstrates compliance with the QAB usage eligibility requirement. Applicants that are unable to provide data on their facility's QAB or total agricultural biomass usage for five years preceding the Agricultural Biomass-to-Energy Incentive Grant Program will **NOT** be eligible for funding from the AgBio Program.

All eligible facilities must be permitted with BACT to reduce emissions, have their emissions control equipment in good working order, and be in compliance with their operating permits, as determined by the Air District where the facility is located. In order to meet this requirement, applicants shall submit a signed affidavit (form CEC-SB704-3) from the Air District declaring that the facility is in compliance with the above requirements as of the date last verified by the Air District. With the exception of the facility ID, facility name, and facility address, the declaration is to be completed and signed by an authorized representative of the Air District.

All applicants must also provide documentation that neither the facility owner nor any of the facility's suppliers of QAB receive any banked Emission Reduction Credits pursuant to Health and Safety Code section 40709 for any QAB for which the facility is requesting incentive payments. This requirement may be met by submitting one or more declarations from the Air Districts in which the facility is located and in which the facility's QAB is produced. If the facility and QAB production are in the same Air District, this requirement may be met with a single declaration from the Air District using form CEC-SB704-3. If the facility is located in one Air District and the QAB the facility purchases is produced in another Air District, then the applicant must submit multiple declarations -- one from the Air District in which the facility is located that states the facility does not received any banked Emission Reduction Credits (CEC-SB704-3), and another declaration from each Air District in which the facility's QAB is produced that states that no supplier of QAB receives any banked Emission Reduction Credits for any QAB produced in that Air District (CEC-SB704-4).

In addition, applicants must provide a declaration from the Air District in which their facility is located that identifies all of the eligible types of QAB produced in that Air District. This declaration must be provided using form CEC-SB704-5.

Finally, all applicants must submit a Vendor Data Record (STD-204) to the Energy Commission. Checks for incentive payments will be made payable to the vendor identified on the STD-204 and mailed to the address provided on this form. The vendor identified on the STD-204 should correspond with the "Payee" identified on the registration form (CEC-SB704-1).

All registration material must be received by the Energy Commission no later than March 1, 2004 to allow sufficient time to make payments by March 31, 2004 for QAB purchased from July 1, 2003 through December 31, 2003. Completed original registration forms, all necessary verification documentation, and any declarations from the Air Districts **must** be mailed to:

Attn: Tony Gonçalves
Agricultural Biomass Program
California Energy Commission
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512

The Energy Commission shall make every effort to notify applicants of their eligibility status by March 10, 2004, but may not be able to do so due to time constraints. All applicants, however, shall be notified of their eligibility status no later than March 31, 2004.

For questions regarding the AgBio Program or registration for this program, please contact Tony Gonçalves at the address listed above, by phone at (916) 654-5168, or by e-mail at [tgoncalv@energy.state.ca.us].

Note that all registration materials submitted to the Energy Commission become **public records** and are subject to public disclosure, with the exception of taxpayer identification numbers included as part of the Vendor Data Record (STD-204).

Incentive Payment Process

Applicants for all eligible facilities will need to submit a signed invoice form (CEC-SB704-2) and all necessary backup information in order to receive incentive payments from the AgBio Program. The backup material will include a monthly summary by Job Identification Number. A Job Identification Number is a unique number to be assigned by each biomass facility to a particular QAB supplier, working on a specific tract of land, and collecting and processing a specific type of QAB over a defined period of time. The monthly summary will include for each Job Identification Number the date(s) of the job, the number of truckloads, the type of QAB purchased, the tons of QAB purchased, and the Air District from which the QAB originated. All participants shall keep records of the details associated with each Job Identification Number such as field size, location, type of QAB, supplier and other pertinent data to allow certification that the material was in fact QAB.

The first invoice, for the months of July through December 2003, is due on March 10, 2004. The second invoice for January through June 2004 is due by July 15, 2004. The Energy Commission shall pay \$10 per green ton of QAB purchased and delivered to eligible biomass facilities for conversion to energy. Incentive payments shall be made for QAB purchases as long as funds are available. Once all funds are exhausted, the Energy Commission is under no obligation, nor does it have any authority, to seek additional funds to pay for QAB purchases through the end of June 2004.

Note that all invoices for payment and backup materials submitted to the Energy Commission become **public records** and are subject to public disclosure.

Invoices shall be submitted to the Energy Commission by the appropriate due dates and shall be sent to the following address:

Attn: Tony Gonçalves
Agricultural Biomass Program
California Energy Commission
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512

July 2003 through December 2003 Incentive Payments

The Energy Commission is required to issue incentive payments by March 31, 2004 for QAB purchased from July 1, 2003 through December 31, 2003. In order to meet this deadline, all QAB purchase data for this period will need to be submitted by March 10, 2004. Energy Commission staff will review all the invoices and backup materials submitted, process the payments, and have the payment authorizations ready to send to the State Controller's Office by March 31, 2004. The State Controller's Office may take up to three weeks to disburse and mail out payments.

In order to receive any incentive payments, a facility must exceed its five-year annual average of QAB or total agricultural biomass purchases by at least 10 percent. In determining whether a facility has met this requirement for July through December 2003 purchases, staff will compare actual purchases of QAB from July through December 2003, to the six-month average (July through December) for a five-year period preceding the Agricultural Biomass-to-Energy Incentive Grant Program. If the actual purchases exceed the five-year annual average or the five-year average for the July 1st through December 31st time period by at least 10 percent, payments will be made for all actual purchases from July through December 2003.

If the facility does not meet the 10 percent requirement but confirms its intention to meet the 10 percent requirement for the July 2003 through June 2004 period, the Energy Commission will reserve funds to pay the actual purchases of QAB from July through December 2003 and issue the facility owner a reservation form (CEC-SB704-6) to claim these reserved funds in the future. These reserved funds will only be paid after the second invoice has been submitted (for the months of January through June 2004) and staff has confirmed that the facility has achieved a 10 percent increase over the entire year (July 2003 through June 2004).

The Energy Commission will make incentive payments and issue reservations for all QAB purchased from July through December 2003 only if the amount of QAB purchased by all participating facilities results in incentive payments totaling less than the \$6 million available. If the expected pay out of all incentives exceeds \$6 million, the amount of eligible QAB submitted by each facility shall be prorated, as described below, so that payments will not exceed the available funding.

January 2004 through June 2004 Incentive Payments

Any funds not disbursed or reserved for July through December 2003 QAB purchases shall be made available for January through June 2004 purchases. It is anticipated that there will not be sufficient funding to pay incentives for all QAB purchased during the January through June 2004 period; therefore, the Energy Commission will prorate the amount of incentives paid for QAB purchased by facilities during this period. All invoices for January through June 2004 are due by July 15, 2004, after which the Energy Commission will attempt to have payments processed and ready to send to the State Controller's office by the middle of August 2004.

The Energy Commission must encumber AgBio Program funds prior to June 30, 2004 in order to expend them for the purposes of this program. Progress reports detailing monthly QAB purchases will therefore be required to determine the amount of encumbrance for each facility. The progress reports will also be used to determine if facilities with reserved funds are on track to fulfill the 10 percent QAB purchase requirement. Progress reports should be prepared using Form CEC-SB704-7 and are due on April 7, May 7, and June 7, 2004. The April 2004 progress report should address January through March 2004 QAB purchases, the May 2004 report should address April 2004 QAB purchases, and the June 2004 report should address May 2004 QAB purchases along with projected QAB purchases for June 2004.

Progress reports shall contain sufficient information to identify the facility, the month(s) covered by the report, and the QAB purchased by month. No backup data is required with the April and May 2004 progress reports, however, before any payments can be issued, an invoice (Form CEC-SB704-2) and appropriate backup must be submitted. If the April or May 2004 progress reports reveal that all program funds will be subscribed, and all participants have fulfilled the ten percent increase requirement in QAB purchases, the subsequent progress report(s) will be eliminated, and the Energy Commission may issue incentive payments based on the QAB purchased through March or April 2004. In such an instance, the Energy Commission will request invoices and appropriate backup from all participants and issue payments once all invoices are received and processed.

In the event that at least one participating facility has not met the 10 percent QAB purchase requirement by the June 2004 progress report, the Energy Commission will calculate incentive payments based on the procedures listed below and will issue reservations by June 30, 2004 to all eligible facility owners based on the QAB purchase data received to date. All participants that are able to fulfill the 10 percent QAB purchase increase requirement based on their July 15, 2004 invoice submittal will be paid the amount reserved for them in June 2004 according to the schedule described earlier in this section. Any participant that fails to meet this requirement will have their reservation cancelled immediately.

Because all funds must either be paid out or reserved by June 30, 2004, the funds from any reservation that is cancelled shall revert back to the Renewable Resources Trust Fund and can **NOT** be redistributed to eligible participants that were able to fulfill all the requirements for incentive payments.

In making payments for January through June 2004, staff shall first review the invoices submitted by any facilities for which a July through December 2003 reservation exists. Staff will compare the facility's actual purchases for July 2003 through June 2004 to their five-year annual average. If the actual purchases exceed the five-year annual average by at least 10 percent, the facility will be paid for their July through December 2003 reservation. If a facility with reserved funds does not satisfy the 10 percent requirement, the funds that had been reserved for that facility shall be added to the funds available for January through June 2004 QAB purchases.

In order to determine which facilities are eligible for incentive payments for January through June 2004, staff will add the QAB purchases submitted on the January through June 2004 invoices to the QAB purchases on the July through December 2003 invoices. The actual purchases for July 2003 through June 2004 will be compared to the 5-year annual average, and any facility that exceeds the annual average by at least 10 percent will be eligible for January through June 2004 incentive payments.

Energy Commission staff will then calculate the amount of QAB eligible for funding during January 2004 and determine if there are sufficient funds for all the eligible QAB purchased during this month. If there are sufficient funds to satisfy January purchases, staff will then follow the same procedure for February 2004 purchases, March 2004, April 2004, and so on until all program funds have been subscribed.

In the event that there are insufficient funds to meet the full demand of QAB purchases for a particular month, the Energy Commission will prorate the amount of eligible QAB purchases for that month by facility to match the amount of funding available. Once the prorated tonnage has been determined, the Energy Commission will prepare the appropriate incentive payments and send them to the State Controller's Office by the middle of August 2004.

Program Administration

This section of the *Guidebook* provides information on the Energy Commission's administration of the AgBio Program, including the Energy Commission's authority, the effective date of program guidelines, the process for modifying the guidelines, the process for disputing incentive payments or appealing a decision denying program funding, and record keeping requirements. This section also provides information on the Energy Commission's right to inspect and audit applications and invoices for payment, and to take enforcement actions to

recover incentives paid and pursue other actions and remedies as allowed by law.

Authority

The program guidelines set forth in this *Guidebook* are adopted pursuant to Health and Safety Code section 41606, subdivision (c)(5), which authorizes the Energy Commission to adopt guidelines governing funding under section 41606. The guidelines adopted pursuant to this authority are exempt from the rulemaking requirements of the Administrative Procedures Act, as specified in Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code.

Nothing in these program guidelines shall be construed to abridge the powers or authority of the Energy Commission or any Energy Commission designated committee as specified in Division 15 of the Public Resources Code, commencing with section 25000, or Division 2 of Title 20 of the California Code of Regulations, commencing with section 1001.

Effective Date of Guidelines

These program guidelines set forth in this *Guidebook* shall be of no effect until the *Guidebook* is approved by the Committee and adopted by the Energy Commission at a publicly noticed meeting with no less than 30 days public notice.

Changes to Program Guidelines

Substantive changes to the program guidelines may be made upon the recommendation of the Committee with the approval of the Energy Commission. Substantive changes shall take effect once adopted by the Energy Commission at a Business Meeting with no less than 10 days public notice.

Non-substantive changes to the program guidelines may be made upon the recommendation and approval of the Committee. Non-substantive changes shall take effect 10 days after the Committee has approved and publicly noticed the non-substantive changes. Non-substantive changes include, but are not limited to the following:

- a) Changes in the format of any application form, invoice, or report required under the program guidelines and

Approval of Funding

Program funding is provided as a grant pursuant to Health and Safety Code section 41606, subdivision (c)(6), and shall be awarded and paid as financial incentives to eligible applicants as specified in this *Guidebook*. Formal Energy

Commission approval of each individual program award or payment shall not be required.

Cancellation of Program Registration or Funding

The Committee may cancel the program registration or funding awarded or reserved for any awardee that changes or otherwise modifies its basis for funding eligibility under this *Guidebook* and no longer satisfies the requisite eligibility criteria. The Committee shall notify the awardee in writing of the basis for canceling the awardee's registration or funding, the effective date of the cancellation, and the terms and conditions for the repayment of any portion of the funding the awardee was not otherwise entitled to receive. The written notice required herein shall be given at least 15 days in advance of the effective date of the cancellation to provide the awardee an opportunity to file a petition for reconsideration pursuant to the program guidelines.

Withholding Payments of Program Incentives

Program incentives will not be paid under any of the following circumstances.

- a. The Committee determines that the awardee is no longer eligible to receive program incentives.
- b. The awardee fails to properly invoice the Energy Commission as specified in these guidelines.
- c. Based on an audit or investigation conducted pursuant to these guidelines, the Committee determines that the awardee has misstated, falsified, or misrepresented information in applying for registration, invoicing for incentive payments, or reporting any information as required by these guidelines.

Audits

The Energy Commission's Accounting Office or its authorized agents, in conjunction with Energy Commission staff, may audit any awardee to verify the accuracy of any information included as part of an application for registration, invoice for incentive payment, or report required under these guidelines. As part of an audit, an awardee may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's registration applications, invoices, or reports. An awardee may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the awardee's registration applications, invoices, and reports.

If an audit finds that an awardee has incorrectly stated or falsified information included on the awardee's registration applications, invoices, or reports, the Accounting Office will notify the awardee of its findings in writing within 30 days of completing the audit. Based on the audit results, an awardee may be required to refund all or a portion of the incentive payments it has received under the program. In addition, any program funding reserved for the awardee may be cancelled and enforcement actions initiated pursuant to these guidelines.

Record Retention

Awardees shall keep all records relating to and verifying the accuracy of any information included in an application for registration, invoice for incentive payments, or report submitted pursuant to these guidelines. These records shall be kept for a period of not less than three years after the end of the calendar year in which the awardee's last incentive payment is made and shall be made available to the Energy Commission or its authorized agent as part of any audit conducted pursuant to these guidelines.

Use and Disclosure of Information and Records

The Energy Commission or its authorized agents may use any information or records submitted to the Energy Commission or obtained as part of any audit pursuant to these guidelines to determine eligibility and compliance with the guidelines, evaluate the AgBio Program and related Energy Commission programs, and prepare necessary reports as required by law. The information and records include, but are not limited to, applications for registration, invoicing for incentive payments, and any documentation submitted in support of said applications or invoices.

Information and records submitted to the Energy Commission or obtained as part of an audit pursuant to these guidelines will be disclosed to other government entities and policing authorities for civil and criminal investigation and enforcement purposes. This information and records may also be disclosed to members of the public pursuant to the California Public Records Act (Government Code sections 6250, et seq.). Taxpayer identification numbers and social security numbers will not be disclosed to members of the public.

Information concerning the amount or payment of program incentives is public information and will be disclosed pursuant to the California Public Records Act. This information, along with other public information describing program participants, may be disclosed through the Energy Commission's web site or other means, as the Energy Commission deems appropriate.

If, as part of any audit, the Energy Commission requires the awardee to provide copies of records that the awardee believes contain proprietary information entitled to protection under the California Public Records Act or other law, the

awardee may request that such records be designated as confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, section 2505.

Tax Consequences

Awardees are responsible for any federal and state tax consequences associated with the receipt of incentive payments. The Energy Commission will report funding awards payments to the Internal Revenue Service and issue the awardee an informational form (e.g., 1099-Misc.) when required to do so by law. In order to process program payments for tax purposes, awardees must complete a Vendor Data Record form to provide the Energy Commission with taxpayer information. The taxpayer identified in this form must be the awardee as identified in registration application.

Reconsideration of Funding Awards and Funding Award Cancellations

Committee Reconsideration

Any entity may petition the Committee for reconsideration if its application for program registration is denied, its invoice for program payments reduced or denied, or its awarded or reserved funding is reduced or cancelled. The petition for reconsideration shall be in writing and shall be submitted, together with any supporting documentation, to the Committee at the following address within 15 days of receipt of the notice of registration or payment denial, or funding cancellation.

Address: California Energy Commission
Renewables Committee
1516 9th Street, MS-31
Sacramento, CA 95814-5512

The petition shall specify the basis for the appeal; state why the petitioner believes the denial of registration, reduction or denial of payments, or cancellation of awarded or reserved funding was improper given the eligibility requirements for registration, payments, and program funding; explain any supporting documentation filed with the petition; identify any legal authority or other basis supporting the petitioner's position; and identify the remedy sought.

Within 45 days of receiving a complete petition, the Committee, in its discretion, shall either issue a decision based on its consideration of the petition and the written response of Commission staff, or schedule a hearing to consider the petition. If a hearing is scheduled, the petitioner shall be notified of the hearing date and any additional information the petitioner is directed to submit. This notice shall be given at least 15 days in advance of the Committee hearing date.

The Committee may direct the petitioner and Commission staff to attend the Committee hearing to offer pertinent testimony.

The Committee shall provide the petitioner with a written decision on the petition within 45 days of holding the hearing. Should the petitioner disagree with the Committee's decision, the petitioner may appeal the decision to the Energy Commission.

Commission Appeals

Within 15 days of receiving of the Committee's decision, the appealing party shall file a letter of appeal stating why the Committee's decision is unacceptable. The letter of appeal, along with a copy of the petition for reconsideration, supporting documentation, and the Committee's written decision, shall be sent to the Commission's Public Adviser at the following address.

Address: California Energy Commission
Public Adviser's Office
1516 9th Street, MS-12
Sacramento, CA 95814-5512

Within 30 days of receiving the letter of appeal, the Public Adviser shall arrange for the appeal to be presented to the Commission at a regularly scheduled Business Meeting, and shall inform the appealing party in writing of the Business Meeting date and the procedures for participating in the Business Meeting. The appealing party shall be responsible for presenting the appeal to the Commission during the Business Meeting. Unless otherwise determined during the course of the Business Meeting, the Commission shall act on the appeal during the Business Meeting.

Enforcement Actions

Recovery of Overpayment

The Committee, with the concurrence of the Commission, may direct the Commission's Office of Chief Counsel to commence formal legal action against any awardee or former awardee to recover any portion of program funding the Committee determines the awardee or former awardee was not otherwise entitled to receive.

Fraud and Misrepresentation

The Committee may initiate an investigation of any awardee which the Committee has reason to believe may have misstated, falsified, or

misrepresented information in applying for registration, in invoicing for program payments, or in reporting any information as required by these guidelines. Based on the results of the investigation, the Committee may take any action it deems appropriate, including, but not limited to, revoking an awardee's registration; denying program payments; canceling or reducing any awarded or reserved program funding; recovering any overpayments; and, with the concurrence of the Energy Commission, recommending the initiation of an Attorney General investigation and prosecution pursuant to Government Code sections 12650, et seq., or other provisions of law.

Appendix A - Definitions

Agricultural Biomass-to-Energy Incentive Grant Program – the program administered by the California Technology, Trade, and Commerce Agency from July 2000 through June 2002 pursuant to former Part 3 (commencing with Section 1101) of Division 1 of the Food and Agricultural Code. The statutes governing this program were repealed by SB 704 (Statutes of 2003, Chapter 480).

Air District – an air pollution control district or air quality management district established or continued in existence pursuant to Part 3 (commencing with Section 40000) of the Health and Safety Code.

Awardee – an entity that has register with the Energy Commission pursuant to this *Guidebook* and is eligible to receive program funding, or has been awarded or reserved program funding.

Biomass Facility – a power plant that combusts organic materials not derived from fossil fuels to generate electricity.

Committee – a committee of the California Energy Commission charged with overseeing implementation of the Agricultural Biomass to Energy Program. At the time this *Guidebook* was adopted, the Renewables Committee was charged with this responsibility.

Emission Reduction Credit – a credit for a reduction in the emission of an air contaminant that is banked and is available to offset increases in emissions pursuant to Health and Safety Code section 40709, and the regulations adopted pursuant to that section.

Green Ton – a ton of QAB – a measurement of mass corresponding to 2000 pounds of QAB as delivered and accepted at the premises of an eligible biomass facility.

Job Identification Number – a unique identifier to be assigned by each biomass facility to a particular supplier, working on a specific tract of land, and collecting and processing a specific type of QAB over a defined period of time.

Qualified Agricultural Biomass (QAB) – Agricultural residues that are purchased after July 1, 2003, that historically have been open-field burned in the jurisdiction of the air district from which the agricultural residues are derived, as determined by the air district, excluding urban and forest wood products, that include either of the following:

- Field and seed crop residues, including, but not limited to, straws from rice and wheat.
- Fruit and nut crop residues, including, but not limited to, orchard and vineyard pruning and removals.

Appendix B - Forms, Instructions, and Samples

CEC-SB704 -1 – Registration Form

CEC-SB704-2 – Invoice

CEC-SB704-3 – Declaration

CEC-SB704-4 – Declaration – Emission Reduction Credits

CEC-SB704-5 – Declaration – Qualified Agricultural Biomass Fuels

CEC-SB704-6 – Reservation Form

CEC-SB704-7 – Progress Report

STD-204 -- Vendor Data Record

Registration - Agricultural Biomass to Energy Program

Submit To: **Attn: Tony Gonçalves**
California Energy Commission
AgBio Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512

1. Facility Name:	Facility Owner:
2. Air District:	
3. Physical Address of Facility:	Facility Owner Address:
Telephone:	Telefax:
4. Contact Person / Title:	
Telephone:	Telefax:
E-mail Address:	
5. Payee Name (30 Characters or Less):	
Address:	

6. Check all that apply

<input type="checkbox"/> This facility, as of July 1, 2003, converted and continues to convert Qualified Agricultural Biomass (QAB), as defined in the California Energy Commission's <i>Agricultural Biomass to Energy Program Guidebook</i> , to electrical energy.
<input type="checkbox"/> This facility is permitted with the best available control technology to reduce air emissions.
<input type="checkbox"/> This facility's emissions control equipment is in good working order and in compliance with all operating permits.
<input type="checkbox"/> This facility will not receive any emission reduction credits pursuant to Health and Safety Code section 40709 for any QAB for which it will request incentive payments from the Agricultural Biomass to Energy Program (AgBio Program).
<input type="checkbox"/> The facility's suppliers of QAB will not receive emission reduction credits pursuant to Health and Safety Code section 40709 for any QAB supplied to this facility for which this facility will request incentive payments from the AgBio Program.
<input type="checkbox"/> This facility intends to purchase at least 10 percent more QAB than was purchased on average for five years prior to the implementation of the Agricultural Biomass-to-Energy Incentive Grant Program in July 2000.

7. All of the QAB that this facility purchases and will seek incentive payments for under the AgBio Program is produced in the following Air District(s):

8. Please provide the following average QAB and/or Agricultural Biomass (AB) purchase information for five years of operation prior to the Agricultural Biomass-to-Energy Incentive Grant Program. (Submit appropriate documentation to verify 5-year averages **listed** below)

Annual Average (Tons of QAB): _____, (Tons of AB): _____
July through December Average (Tons of QAB): _____, (Tons of AB): _____

Registration - Agricultural Biomass to Energy Program (cont.)

9. Please fill out the appropriate columns of the Twelve-Month Totals table below. Only the Tons of QAB, the Tons of AB, or the Tons of All Fuels Purchased column needs to be completed along with the corresponding year.

If you will be requesting incentive payments for July through December 2003 based on the 5-year average of purchases from July through December, please fill out the appropriate columns on the Six-Month Totals (July through December) table below. The column filled out in the Six-Month Totals table should be the same as the one filled out in the Twelve-Month Totals table.

Below the tables below, please provide a general listing of the QAB fuels that comprise the tons listed in the tables.

Twelve-Month Fuel Purchase Totals

	Year	Tons of QAB	Tons of AB	Tons of All Fuels Purchased
1				
2				
3				
4				
5				
5-Year Average				

Six-Month Fuel Purchase Totals (July through December)

	Year	Tons of QAB	Tons of AB	Tons of All Fuels Purchased
1				
2				
3				
4				
5				
5-Year Average				

List of QAB Fuels:

10. DECLARATION

I, (print name and title) _____,
as an authorized officer of the above noted facility owner, hereby agree, for and on behalf of said facility owner, to comply with all requirements of the AgBio Program as set forth in the California Energy Commission's *Agricultural Biomass to Energy Program Guidebook*. I acknowledge that the receipt of any incentive payments from the AgBio Program is conditioned on the acceptance and satisfaction of all program requirements as set forth in the *Agricultural Biomass to Energy Program Guidebook*. I declare under penalty of perjury that the information provided in this form and the attached back up materials is true and correct to the best of my knowledge.

Dated this _____ day of _____, 20____, at _____.
(day) (month) (year) (place of execution)

Signature: _____

Note: All data submitted on this form is subject to public disclosure

Facility ID: **SB704** - _____

Note: All data submitted on this form is subject to public disclosure

Declaration - Agricultural Biomass to Energy Program

**Submit To: Attn: Tony Gonçalves
California Energy Commission
AgBio Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512**

Facility ID: **SB704** - _____

Facility Name: _____ Facility Owner: _____

Facility Address: _____ Facility Owner Address: _____

All Information Below to be Filled Out By Air District Representative

Air District:

Air District Contact Person / Title:Telephone:Telefax:

Check all that apply

- ☐ This facility is permitted with the best available control technology to reduce air emissions.
- ☐ This facility's emissions control equipment was in good working order and in compliance with all operating permits as of the date last verified by the Air District

Date last verified by the Air District: _____

- ☐ This facility does not receive banked emission reduction credits pursuant to Health and Safety Code section 40709 for any Qualified Agricultural Biomass (QAB) it purchases.
- ☐ No supplier of QAB to this facility receives banked emission reduction credits pursuant to Health and Safety Code section 40709 for any of the QAB supplied to the facility that is produced in the Air District.

DECLARATION

I, (print name and title) _____,
as an authorized representative of the above noted Air District, hereby declare that the information provided in
this form is true and correct to the best of my knowledge. This declaration was prepared pursuant to the
California Energy Commission's *Agricultural Biomass to Energy Program Guidebook* to assist the above noted
facility to qualify for incentive payments from the Agricultural Biomass to Energy Program.

Dated this _____ day of _____, 20_____, at _____.
 (day) (month) (year) (place of execution)

Signature: _____

Note: All data submitted on this form is subject to public disclosure.

Declaration – Emission Reduction Credits Agricultural Biomass to Energy Program

Submit Completed Form To: **Attn: Tony Gonçalves**
California Energy Commission
AgBio Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512

Air District:	
Air District Contact Person / Title:	
Telephone:	Telefax:

Except as noted below, no supplier of qualified agricultural biomass receives banked emission reduction credits pursuant to Health and Safety Code section 40709 for any qualified agricultural biomass fuel produced in the Air District noted above. (Attach additional pages if necessary)

Suppliers Receiving Banked Emission Reduction Credits

DECLARATION

I, (print name and title) _____,
as an authorized representative of the above noted Air District, hereby declare that the information provided in this form is true and correct to the best of my knowledge. This declaration was prepared pursuant to the California Energy Commission's *Agricultural Biomass to Energy Program Guidebook* to assist facilities located within the above noted Air District to qualify for incentive payments from the Agricultural Biomass to Energy Program.

Dated this _____ day of _____, 20____,
(day) (month) (year)

at _____.
(place of execution)

Signature: _____

Note: All data submitted on this form is subject to public disclosure

Declaration – Qualified Agricultural Biomass Fuels Agricultural Biomass to Energy Program

Submit Completed Form To: **Attn: Tony Gonçalves**
California Energy Commission
AgBio Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512

Air District:	
Air District Contact Person / Title:	
Telephone:	Telefax:

A list of all the agricultural biomass fuels that are produced in this Air District and meet the definition of “Qualified Agricultural Biomass” (QAB) as set forth in Health and Safety Code section 41606 (b)(1) is attached hereto or provided below. The definition of QAB under section 41606 (b)(1) is similar to the definition of this term as used in the California Trade and Commerce Agency’s former Agricultural Biomass-to-Energy Incentive Grant Program, which was implemented pursuant to former Food and Agricultural Code sections 1101, et seq.

Please Select one Below

- ☐ Listing of QAB provided in attached pages or shown in the attached permits for biomass facilities located in the Air District.

Please indicate number of pages attached: _____

- ☐ Listing of QAB provided below.

DECLARATION

I, (print name and title) _____,
as an authorized representative of the above noted Air District hereby declare that the information provided in this form is true and correct to the best of my knowledge. This declaration was prepared pursuant to the California Energy Commission’s *Agricultural Biomass to Energy Program Guidebook* to assist facilities located within the above noted Air District to qualify for incentive payments from the Agricultural Biomass to Energy Program.

Dated this _____ day of _____, 20____, at _____.
(day) (month) (year) (place of execution)

Signature: _____

Note: All data submitted on this form is subject to public disclosure

Reservation Form Agricultural Biomass to Energy Program

Facility ID: **SB704 -**

Facility Name:

Facility Owner:

The facility owner listed above is hereby granted a reservation by the California Energy Commission pursuant to the *Agricultural Biomass to Energy Program Guidebook* for the Qualified Agricultural Biomass (QAB) purchases listed below in the following amount:

Reserved Amount: \$ _____

QAB Purchases:	<u>Month</u>	<u>Tons</u>
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
Total:		_____

Payment for the above listed reservation amount shall be made to the participant once all requirements specified in the *Agricultural Biomass to Energy Program Guidebook* have been satisfied and reviewed by the California Energy Commission. Failure to fulfill all requirements specified in the *Agricultural Biomass to Energy Program Guidebook* by the June 30, 2004 shall result in immediate cancellation of this reservation.

The facility owner listed above may cancel this reservation prior to June 30, 2004 if they do not anticipate being able to fulfill the requirements specified in the *Agricultural Biomass to Energy Program Guidebook* by this date. Cancellation of this reservation prior to June 30, 2004 will allow these funds to be redistributed to other program participants that have fulfilled the eligibility requirements for program funding. Funds that are freed up after June 30, 2004 due to cancelled reservation can NOT be reissued to other program participants and will be returned to the Renewable Resources Trust Fund.

Reservation issued on: _____

Reservation approved by:

Or Fax To: **(916) 653-2543**

Contact Person / Title:	
Telephone:	Telefax:

Please Check One:

- ☐ April 2004 Progress Report
- ☐ May 2004 Progress Report
- ☐ June 2004 Progress Report

Monthly Tons of Qualifying Agricultural Biomass (QAB) Purchases

Month	Tons of QAB purchased
January 2004	
February 2004	
March 2004	
April 2004	
May 2004	
June 2004 (Projected)	
Total	

I, (print name and title)

_____, as an authorized officer of the above noted facility owner, hereby submit this progress report for and on behalf of said facility owner pursuant to the California Energy Commission's *Agricultural Biomass to Energy Program Guidebook*. The information provided in this progress report is true and correct to the best of my knowledge for the above noted facility.

Dated this _____ day of _____, 20____, at

(day) (month) (year) (place of execution)

Signature:

Note: All data submitted on this form is subject to public disclosure

VENDOR DATA RECORD*(Required in lieu of IRS W-9 when doing business with the State of California)*

STD. 204 (REV. 12-94)

NOTE: Governmental entities, federal, state, and local (including school districts) are not required to submit this form.

SECTION 1 must be completed by the requesting state agency before forwarding to the vendor

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| 1

PLEASE RETURN TO:

 | <table border="1"> <tr> <td>DEPARTMENT/OFFICE</td> <td>California Energy Commission
Accounting Office MS #2</td> </tr> <tr> <td>STREET ADDRESS</td> <td>1516 Ninth Street
Sacramento, CA 95814</td> </tr> <tr> <td>CITY, STATE, ZIP CODE</td> <td></td> </tr> <tr> <td>TELEPHONE NUMBER</td> <td></td> </tr> </table>

 | DEPARTMENT/OFFICE | California Energy Commission
Accounting Office MS #2 | STREET ADDRESS | 1516 Ninth Street
Sacramento, CA 95814

 | CITY, STATE, ZIP CODE | | TELEPHONE NUMBER | | PURPOSE: Information contained in this form will be used by state agencies to prepare Information Returns (Form 1099) and for withholding on payments to nonresident vendors. Prompt return of this fully completed form will prevent delays when processing payments.
<i>(See Privacy Statement on reverse.)</i> | |
| DEPARTMENT/OFFICE

 | California Energy Commission
Accounting Office MS #2

 | | | |

 | | | | | | |
| STREET ADDRESS

 | 1516 Ninth Street
Sacramento, CA 95814

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 | | | | | | |
| CITY, STATE, ZIP CODE

 |

 | | | |

 | | | | | | |
| TELEPHONE NUMBER

 |

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| 2

 | VENDOR'S BUSINESS NAME

SOLE PROPRIETOR—ENTER OWNER'S FULL NAME HERE <i>(Last, First, M.I.)</i>

MAILING ADDRESS <i>(Number and Street or P. O. Box Number)</i>

<i>(City, State, and Zip Code)</i>

 | | | |

 | | | | | | |
| 3

VENDOR ENTITY TYPE

 | CHECK ONE BOX ONLY

<table border="0"> <tr> <td><input type="checkbox"/> MEDICAL CORPORATION <i>(Including dentistry, podiatry, psychotherapy, optometry, chiropractic, etc.)</i></td> <td><input type="checkbox"/> PARTNERSHIP</td> </tr> <tr> <td><input type="checkbox"/> EXEMPT CORPORATION (Non-profit)</td> <td><input type="checkbox"/> ESTATE OR TRUST</td> </tr> <tr> <td><input type="checkbox"/> ALL OTHER CORPORATIONS</td> <td><input type="checkbox"/> INDIVIDUAL/SOLE PROPRIETOR</td> </tr> </table>

 | | <input type="checkbox"/> MEDICAL CORPORATION <i>(Including dentistry, podiatry, psychotherapy, optometry, chiropractic, etc.)</i> | <input type="checkbox"/> PARTNERSHIP | <input type="checkbox"/> EXEMPT CORPORATION (Non-profit)

 | <input type="checkbox"/> ESTATE OR TRUST | <input type="checkbox"/> ALL OTHER CORPORATIONS | <input type="checkbox"/> INDIVIDUAL/SOLE PROPRIETOR | NOTE: State and local governmental entities, including school districts are not required to submit this form. | | |
| <input type="checkbox"/> MEDICAL CORPORATION <i>(Including dentistry, podiatry, psychotherapy, optometry, chiropractic, etc.)</i>

 | <input type="checkbox"/> PARTNERSHIP

 | | | |

 | | | | | | |
| <input type="checkbox"/> EXEMPT CORPORATION (Non-profit)

 | <input type="checkbox"/> ESTATE OR TRUST

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| <input type="checkbox"/> ALL OTHER CORPORATIONS

 | <input type="checkbox"/> INDIVIDUAL/SOLE PROPRIETOR

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| 4

VENDOR'S TAXPAYER I. D. NUMBER

 | SOCIAL SECURITY NUMBER REQUIRED FOR INDIVIDUAL/SOLE PROPRIETOR BY AUTHORITY OF THE REVENUE AND TAXATION CODE SECTION 18646 <i>(See reverse)</i>

<table border="0"> <tr> <td>FEDERAL EMPLOYER'S IDENTIFICATION NUMBER (FEIN)</td> <td>SOCIAL SECURITY NUMBER</td> </tr> <tr> <td> <div style="border: 1px solid black; width: 100px; height: 20px; position: relative;"> <div style="position: absolute; left: 20px; top: 5px;"> </div> <div style="position: absolute; left: 40px; top: 5px;"> </div> <div style="position: absolute; left: 60px; top: 5px;"> </div> <div style="position: absolute; left: 80px; top: 5px;"> </div> <div style="position: absolute; left: 100px; top: 5px;"> </div> <div style="position: absolute; left: 120px; top: 5px;"> </div> <div style="position: absolute; left: 140px; top: 5px;"> </div> <div style="position: absolute; left: 160px; top: 5px;"> </div> <div style="position: absolute; left: 180px; top: 5px;"> </div> <div style="position: absolute; left: 200px; top: 5px;"> </div> <div style="position: absolute; left: 220px; top: 5px;"> </div> <div style="position: absolute; left: 240px; top: 5px;"> </div> <div style="position: absolute; left: 260px; top: 5px;"> </div> <div style="position: absolute; left: 280px; top: 5px;"> </div> <div style="position: absolute; left: 300px; top: 5px;"> </div> <div style="position: absolute; left: 320px; top: 5px;"> </div> <div style="position: absolute; left: 340px; top: 5px;"> </div> <div style="position: absolute; left: 360px; top: 5px;"> </div> <div style="position: absolute; left: 380px; top: 5px;"> </div> <div style="position: absolute; left: 400px; top: 5px;"> </div> <div style="position: absolute; left: 420px; top: 5px;"> </div> <div style="position: absolute; left: 440px; top: 5px;"> </div> <div style="position: absolute; left: 460px; top: 5px;"> </div> <div style="position: absolute; left: 480px; top: 5px;"> </div> <div style="position: absolute; left: 500px; top: 5px;"> </div> <div style="position: absolute; left: 520px; top: 5px;"> </div> <div style="position: absolute; left: 540px; top: 5px;"> </div> <div style="position: absolute; left: 560px; top: 5px;"> </div> <div style="position: absolute; left: 580px; top: 5px;"> </div> <div style="position: absolute; left: 600px; top: 5px;"> </div> <div style="position: absolute; left: 620px; top: 5px;"> </div> <div style="position: absolute; left: 640px; top: 5px;"> </div> <div style="position: absolute; left: 660px; top: 5px;"> </div> <div style="position: absolute; left: 680px; top: 5px;"> </div> <div style="position: absolute; left: 700px; top: 5px;"> </div> <div style="position: absolute; left: 720px; top: 5px;"> </div> <div style="position: absolute; left: 740px; top: 5px;"> </div> <div style="position: absolute; left: 760px; top: 5px;"> </div> <div style="position: absolute; left: 780px; top: 5px;"> </div> <div style="position: absolute; left: 800px; top: 5px;"> </div> <div style="position: absolute; left: 820px; top: 5px;"> </div> <div style="position: absolute; left: 840px; top: 5px;"> </div> <div style="position: absolute; left: 860px; top: 5px;"> </div> <div style="position: absolute; left: 880px; top:
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| FEDERAL EMPLOYER'S IDENTIFICATION NUMBER (FEIN)

 | SOCIAL SECURITY NUMBER

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ARE YOU A RESIDENT OR A NONRESIDENT?

Each corporation, individual/sole proprietor, partnership, estate or trust doing business with the State of California must indicate their residency status along with their vendor identification number.

A corporation will be considered a "resident" if it has a permanent place of business in California. The corporation has a permanent place of business in California if it is organized and existing under the laws of this state or, if a foreign corporation has qualified to transact intrastate business. A corporation that has not qualified to transact intrastate business (e.g., a corporation engaged exclusively in interstate commerce) will be considered as having a permanent place of business in this state only if it maintains a permanent office in this state that is permanently staffed by its employees.

For individuals/sole proprietors, the term "resident" includes every individual who is in California for other than a temporary or transitory purpose and any individual domiciled in California who is absent for a temporary or transitory purpose. Generally, an individual who comes to California for a purpose which will extend over a long or indefinite period will be considered a resident. However, an individual who comes to perform a particular contract of short duration will be considered a nonresident.

For withholding purposes, a partnership is considered a resident partnership if it has a permanent place of business in California. An estate is considered a California estate if the decedent was a California resident at the time of death and a trust is considered a California trust if at least one trustee is a California resident.

More information on residency status can be obtained by calling the Franchise Tax Board at the numbers listed below:

From within the United States, call 1-800-852-5711
From outside the United States, call 1-916-854-6500
For hearing impaired with TDD, call 1-800-822-6268

ARE YOU SUBJECT TO NONRESIDENT WITHHOLDING?

Payments made to nonresident vendors, including corporations, individuals, partnerships, estates and trusts, are subject to withholding. Nonresident vendors performing services in California or receiving rent, lease or royalty payments from property (real or personal) located in California will have 7% of their total payments withheld for state income taxes. However, no withholding is required if total payments to the vendor are \$1500 or less for the calendar year.

A nonresident vendor may request that income taxes be withheld at a lower rate or waived by sending a completed form FTB 588 to the address listed below. A waiver will generally be granted when a vendor has a history of filing California returns and making timely estimated payments. If the vendor activity is carried on outside of California or partially outside of California, a waiver or reduced withholding rate may be granted. For more information, contact:

Franchise Tax Board
Withhold at Source Unit
Attention: State Agency Withholding Coordinator
P.O. Box 651
Sacramento, CA 95812-0651
Telephone: (916) 845-4900
FAX: (916) 845-4831

If a reduced rate of withholding or waiver has been authorized by the Franchise Tax Board, attach a copy to this form.

PRIVACY STATEMENT

Section 7(b) of the Privacy Act of 1974 (Public Law 93-5791) requires that any federal, state, or local governmental agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it.

The State of California requires that all parties entering into business transactions that may lead to payment(s) from the State must provide their Taxpayer Identification Number (TIN) as required by the State Revenue and Taxation Code, Section 18646 to facilitate tax compliance enforcement activities and to facilitate the preparation of Form 1099 and other information returns as required by the Internal Revenue Code, Section 6109. The TIN for individual and sole proprietorships is the Social Security Number (SSN).

It is mandatory to furnish the information requested. Federal law requires that payments for which the requested information is not provided be subject to a 31% withholding and state law imposes noncompliance penalties of up to \$20,000.

You have the right to access records containing your personal information, such as your SSN. To exercise that right, please contact the business services unit or the accounts payable unit of the state agency(ies) with which you transact business.

Please call the Department of Finance, Fiscal Systems and Consulting Unit at (916) 324-0385 if you have any questions regarding this Privacy Statement. Questions related to residency or withholding should be referred to the telephone numbers listed above. All other questions should be referred to the requesting agency listed in Section 1.